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10/790,726

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Lassi Hippelainen

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SQUIRE, SANDERS & DEMPSEY L.L.P.

8000 TOWERS CRESCENT DRIVE

14TH FLOOR

VIENNA, VA 22182-6212

EXAMINER

JEAN GILLES, JUDE

ART UNIT

PAPER NUMBER

2143

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,726	Applicant(s) HIPPELAINEN, LASSI	
	Examiner JUDE J. JEAN GILLES	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-22 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/19/2008 has been entered. Claimed priority is granted from foreign application No: 03028897.1 with a priority date of 12/16/2003.

Response to Amendment/Arguments

2. In the claims, 1-22 remain pending in the application with claims 1-9, and 11-13 being amended, and no claim has been cancelled herein. Claims 1-22 represent a method and apparatus for an "IP ADDRESS MANAGEMENT."

Applicant's arguments with respect to claims 1-22 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the existing ground of rejection as explained here below. Applicants' amendments to the independent claims are not properly made and as to perhaps place them in condition for allowance. Applicants' amendment are cosmetic in nature, not intended to narrow the scope of the independent claims so that they can overcome the prior art of record

The dependent claims stand rejected as articulated in the Final Office Action and all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

Applicant's Request for Reconsideration filed on 06/19/2008 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention:

Point A: The Office Action indicated that claim 3 has been allowed. Applicants wish to thank the Examiner for the allowance of this claim. However, claims 1, 2, and 4-22 are respectfully submitted for reconsideration.

Answer to point A) The Examiner could have gone final on this Office action since the prior art of both Baum and Donaldson were utilized for the Final Rejection. However, the Examiner notices that applicants are under the assumption that claim 3 was previously allowed and that is a misunderstanding or mischaracterization of the prior Office Action relative to claim. Claim 3 is simply objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 3 has not been allowed.

Point B: Applicants contend that the teachings of Baum and Donaldson do not disclose "at least one queue configured to hold released addresses", as recited in claims 1, 13-14, 17 and similarly in claims 20 and 22. (Emphasis added) Referring to Baum, the pool of available addresses 1009 of Baum is quite different from a queue that is holding released addresses. The pool 1009 provides unused and available addresses, while the released addresses are addresses which were previously assigned to IP network devices and have subsequently been released.

As to point B, It is the position of the Examiner that Baum in combination with Donaldson in detail teaches the limitations of the above mentioned claims. The Examiner disagrees with applicant's argument. In par. 0023, Baum teaches a pool or queue of released addresses that become available, which is not different from the teaching of the invention contrary to the assertion of the Applicant.

Point C: Applicants contend that as for Donaldson, even if the IP filtering list is regarded as queue, which it is not, Donaldson fails to teach that an address which is held in the IP filtering list is returned to "the end of the at least one queue", as recited in claim 1, 13-14 and 17 and similarly in claims 20 and 22. The IP filtering list contains IP addresses of detected providers of junk email. Donaldson does not disclose any purpose for using a queue to hold the addresses and certainly does not state any purpose for placing the detected IP addresses at the end of the a queue, as required by the subject matter recited in claims 1, 13-14 and 17, and similarly in claims 20 and 22.

As to point B, see rejection of claim 1 below.

Examiner notes that applicant has failed in presenting claims and drawings that delineate the contours of this invention as compared to the cited prior art. Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome the 103(a) rejections applied against the claims, the rejection is therefore sustained.

Allowable Subject Matter

3. **Claim 3** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

4. Claims 1-13 previously rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement has been appropriately corrected. The Examiner thanks the Applicants for carrying out such correction for further advancing prosecution of the application.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1, 2, and 4-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum, U.S. Publication No. 2004/0071164 A1 in view of Donaldson, U.S. Patent No. 6,321,267 B1.

Regarding **claim 1**, Baum teaches the invention substantially as claimed. Baum discloses an Apparatus (*fig. 10; the DHCP server is the network Apparatus*) comprising: an address management entity comprising at least one queue configured to hold released addresses (*fig. 10, items 1009-1014; par. 0100, and 0022, 0023; note the pool of available; unused IP addresses 1009, represents one queue that can be used for holding released or available addresses*) said address management entity configured to:

detect that a packet has been addressed to a released address held in the at least one queue (*par. 0101, and 0102; the IP address assignment request implies that the request in itself is made of packets that are addressed to the released queue 1009*).

Although it is understood that Baum teaches that the DHCP server 520 device removes the leased address from the pool, and add a new entry in the address lease information, Baum does not disclose specifically the step "return the held address to which the packet (*request for IP address assignment*) has been addressed to an end of the at least one queue".

In an analogous art, Donaldson shows a plurality of device addresses that are contained within a list (*queue*) and that IP an IP address detected by a sensor is appended back to an IP filtering list called a blacklist (*see Donaldson, column 8, lines*

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61-64; column 18, lines 24-26; and column 24, lines 39-41). These techniques provide a performance improvement by quickly rejecting subsequent connections from IP addresses that have already been rejected (*or released from a host*) by one of the filtering tests and return to the back of the queue (*see Donaldson ; column 8, lines 64-67*).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of detecting a released IP address of Baum to employ the features of appending an IP address to the back of a queue shown by Donaldson. This combination would facilitate increased security in a network thereby blocking relayed spam that involves databases of blacklisted IP addresses that can similarly be used to block packets (*see Donaldson; column 6, lines 14-21*), thereby reaching a leased IP address to detect fraudulent attempts to obtain an IP address in a network while providing security, screening and location verification services as stated by Baum in par. 0043. By this rationale, claim 1 is rejected.

Regarding **claims 2, and 4-19** the combination Baum-Donaldson discloses:

2. The network device according to claim 1, wherein said address management entity is further configured to :

detect that an address of a user has been released (*see Baum; par. 0022, 0023*);
and

add the released address to the end of the at least one queue (see *Donaldson*, column 8, lines 61-64; column 18, lines 24-26; and column 24, lines 39-41; note that the released address of *Baum* employs the technique of appending the IP address of *Donaldson*).

4. The network device according to claim 1, further comprising:

wherein said address management entity is further configured to:

send an error notification to a source of the packet (see *Donaldson*; column 29, lines 56-62; note that the error message that is send to the remote host represents the error message notification and that the remote host is the source of the packet)on that a packet has been addressed to the released address held in the at least one queue (see *Baum*; par. 0101, and 0102),). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 4 is rejected.

5. The network device according to claim 1, wherein said address management entity is further configured to:

to detect that a packet has been addressed to the released address held in the at least one queue by receiving the packet addressed to the released address (see *Baum*; par. 0101, and 0102; it is important to realize that the IP assignment request conveyed to the DHCP server contains the data packet addressed to the released address held).

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6. The network device according to claim 2, wherein said address management entity is further configured to:

to detect that an address of a user has been released by detecting a loss of a connection which releases its address (*see Baum; par. 0023; the loss of connection is assume to be the failure to receive a response from the user, and that the IP address assigned to the non-responding device is added back to the pool (queue) of available IP addresses*).

7. The network device according to claim 1, wherein said address management entity is further configured to:

to detect that a packet has been addressed to the released address held in the at least one queue (*see Baum; par. 0101, and 0102*) by receiving an error notification indicating an unused address (*see Donaldson; column 29, lines 56-62; note that the error message technique of Donaldson can be used for a variety of notification message types. In the context of combining Baum with Donaldson, it would have been obvious for an ordinary skill in the art to indicate an unused address utilized in Baum's system using the error notification mechanism of Donaldson*). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 7 is rejected.

8. The network device according to claim 2, wherein said address management entity is further configured to:

to detect that an address of a user has been released (*see Baum; par. 0022, 0023*);
by receiving a notification thereon (*see Donaldson; column 29, lines 56-62; note that the error message technique of Donaldson can be used for a variety of notification message types. In the context of combining Baum with Donaldson, it would have been obvious for an ordinary skill in the art to receive the notification utilized in Baum's system using the error notification mechanism of Donaldson*). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 8 is rejected.

9. An apparatus, comprising an address management entity configured to (*see Baum, fig. 10*):

receive a packet addressed to an unused address (*see Baum; par. 0101, and 0102; note that the IP address assignment request implies that the request in itself is made of packets that are addressed to and received by the released queue 1009 of the DHCP server 520*); and

send an error notification to a network node for managing addresses, the error notification indicating the unused address (*see Donaldson; column 29, lines 56-62; note that the error message technique of Donaldson can be used for a variety of notification*

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message types. In the context of combining Baum with Donaldson, it would have been obvious for an ordinary skill in the art to indicate the unused address utilized in Baum's system using the error notification mechanism of Donaldson). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 9 is rejected.

10. The network device according to claim 9, wherein the error notification (see Donaldson; column 29, lines 56-62) causes a return of a released address held in a queue and corresponding to the unused address to an end of the queue, the queue holding released addresses (see Baum; par. 0101, and 0102; also see Donaldson, column 8, lines 61-64; column 18, lines 24-26; and column 24, lines 39-41; Donaldson teaches an error notification technique and a mechanism for appending a released address to an end of a queue. I would have been obvious for an ordinary skill in the art, at the time the invention was made to use the error notification of Donaldson to trigger the return of the released address of an unused device in the system of Baum and append that address held in the back of the queue). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 10 is rejected.

11. The network device according to claim 9, wherein said address management entity is further configured to:

detect a loss of a connection which releases its address (*see Baum; par. 0023; the loss of connection is assume to be the failure to receive a response from the user, and that the IP address assigned to the non-responding device is added back to the pool (queue) of available IP addresses*); and

send a notification about the released address to the network node for managing addresses (*see Donaldson; column 29, lines 56-62; note that the error message that is send to the remote host represents the error message notification to the DHTP server node managing the addresses*). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 11 is rejected.

12. The network device according to claim 9, wherein said address management entity is further configured to:

send an error notification to a source of the packet (*see Donaldson; column 29, lines 56-62; note that the error message that is send to the remote host represents the error message notification and that the remote host is the source of the packet*) upon receipt of the packet addressed to the unused address (*see Baum; par. 0101, and 0102; note that the IP address assignment request implies that the request in itself is made of packets that are addressed to and received by the released queue 1009 of the DHCP server 520,*). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 12 is rejected.

13. A system for managing addresses to be assigned to users of an IP network (see *Baum, fig. 10*), comprising:

a first network node for managing addresses (*DHCP server 520*), the first network node comprising:

at least one queue for holding released addresses (*fig. 10, items 1009-1014; par. 0100, and 0022, 0023; note that the pool of available, unused IP addresses 1009, represents one queue that can be used for holding released or available addresses*);

said first network node configured to:

detect that a packet has been addressed to a released address held in the at least one queue (*par. 0101, and 0102; note that the IP address assignment request implies that the request in itself is made of packets that are addressed to the released queue 1009*); and

return the held address to which the packet has been addressed to an end of the at least one queue (*see Donaldson, column 8, lines 61-64; column 18, lines 24-26; and column 24, lines 39-41; note that the released address of Baum uses the technique of appending the IP address of Donaldson*); and

a second network node for forwarding IP data packets (*the edge router 600 of fig. 6 represents the second node*), the second network node configured to:

receive a packet addressed to an unused address (*see Baum, par. 101; the edge router responds as it receives the IP address assignment request; Baum teaches that this is done "as is known in the art using DHCP protocol"; the unused address*

that the request (packets) is addressed to resides in the DHCP server node disclosed above); and

send an error notification to the first network node, the error notification indicating the unused address (see *Donaldson*; column 29, lines 56-62; note that the error message technique of *Donaldson* can be used for a variety of notification message types. In the context of combining *Baum* with *Donaldson*, it would have been obvious for an ordinary skill in the art to indicate an unused address utilized in *Baum's* system using the error notification mechanism of *Donaldson*). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 13 is rejected.

14. A method comprising :

detecting that a packet has been addressed to a released address held in a queue holding released addresses (see *Baum*; par. 0101, and 0102; note that the IP address assignment request implies that the request in itself is made of packets that are addressed to the released queue 1009); and

returning the held address, to which the packet has been addressed, to an end of the queue (see *Donaldson*, column 8, lines 61-64; column 18, lines 24-26; and column 24, lines 39-41; note that the released address of *Baum* uses the technique of appending the IP address of *Donaldson*). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 14 is rejected.

15. A method:

receiving a packet addressed to an unused address(see *Baum*; par. 0101, and 0102; note that the IP address assignment request implies that the request in itself is made of packets that are addressed to and received by the released queue 1009 of the DHCP server 520); and

sending an error notification to a network node configured to manage addresses, the error notification indicating the unused address (see *Donaldson*; column 29, lines 56-62; note that the error message technique of *Donaldson* can be used for a variety of notification message types. In the context of combining *Baum* with *Donaldson*, it would have been obvious for an ordinary skill in the art to indicate an unused address utilized in *Baum*'s system using the error notification mechanism of *Donaldson*). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 15 is rejected.

16. The method according to claim 15, wherein sending the error notification (see *Donaldson*; column 29, lines 56-62) further comprises causing a return of a released address held in a queue and corresponding to the unused address to an end of the queue, the queue holding released addresses (see *Baum*; par. 0101, and 0102; also see *Donaldson*, column 8, lines 61-64; column 18, lines 24-26; and column 24, lines 39-41; *Donaldson* teaches an error notification technique and a mechanism for appending a released address to an end of a queue. I would have been obvious for

an ordinary skill in the art, at the time the invention was made to use the error notification of Donaldson to trigger the return of the released address of an unused device in the system of Baum and append that address held in the back of the queue). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 16 is rejected.

17. A computer-readable program distribution medium encoding a computer program of instructions being configured to control a processor to perform:

detecting that a packet has been addressed to a released address held in a queue holding released addresses (*see Baum; par. 0101, and 0102; note that the IP address assignment request implies that the request in itself is made of packets that are addressed to the released queue 1009*); and

returning the held address, to which the packet has been addressed, to an end of the queue (*see Donaldson, column 8, lines 61-64; column 18, lines 24-26; and column 24, lines 39-41; note that the released address of Baum uses the technique of appending the IP address of Donaldson*). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 17 is rejected.

18. The computer program according to claim 17, further comprising a computer-readable medium on which the computer program of instructions are stored (*see Baum; fig. 10, within DHCP server 520, memory 1006 is used to store software code*

for storing IP addresses, information and software code for performing the steps of the invention).

19. The computer program according to claim 17, wherein the computer-readable distribution medium is configured to be directly loadable into an internal memory of the computer (*see Baum; fig. 10, within DHCP server 520, memory 1006*).

20. (New) An apparatus, comprising:
holding means for holding released addresses (*see Baum; fig. 10, items 1009-1014; par. 0100, and 0022, 0023; note the pool of available; unused IP addresses 1009, represents one queue that can be used for holding released or available addresses*);
detecting means for detecting that a packet has been addressed to a released address held in the at least one holding means (*see Baum; par. 0101, and 0102; the IP address assignment request implies that the request in itself is made of packets that are addressed to the released queue 1009*). and
returning means for returning the held address to which the packet has been addressed to an end of the at least one holding mean (*see Donaldson, column 8, lines 61-64; column 18, lines 24-26; and column 24, lines 39-41*).

21. (New) An apparatus, comprising:
receiving means for receiving a packet addressed to an unused address (*see Baum; par. 0101, and 0102; note that the IP address assignment request implies that the*

request in itself is made of packets that are addressed to and received by the released queue 1009 of the DHCP server 520); and

sending means for sending an error notification to a network node configured to manage addresses, the error notification indicating the unused address (see *Donaldson; column 29, lines 56-62; note that the error message technique of Donaldson can be used for a variety of notification message types. In the context of combining Baum with Donaldson, it would have been obvious for an ordinary skill in the art to indicate the unused address utilized in Baum's system using the error notification mechanism of Donaldson*). The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 21 is rejected.

22. (New) A system, comprising:

managing means for managing addresses (see Baum; *DHCP server 520*);

holding means for holding released addresses (see Baum; *fig. 10, items 1009-1014; par. 0100, and 0022, 0023; note the pool of available; unused IP addresses 1009, represents one queue that can be used for holding released or available addresses*);

detecting means for detecting that a packet has been addressed to a released address held in the holding means (see Baum; *par. 0101, and 0102; note that the IP address assignment request implies that the request in itself is made of packets that are addressed to the released queue 1009*);

returning means for returning the held address to which the packet has been addressed to an end of the at least one holding means (see *Donaldson, column 8, lines*

61-64; column 18, lines 24-26; and column 24, lines 39-41; note that the released address of Baum uses the technique of appending the IP address of Donaldson);

receiving means for receiving a packet addressed to an unused address (see *Baum; par. 0101, and 0102; note that the IP address assignment request implies that the request in itself is made of packets that are addressed to and received by the released queue 1009 of the DHCP server 520); and*

sending means for sending an error notification to the managing means, the error notification indicating the unused address (see *Donaldson; column 29, lines 56-62; note that the error message technique of Donaldson can be used for a variety of notification message types. In the context of combining Baum with Donaldson, it would have been obvious for an ordinary skill in the art to indicate the unused address utilized in Baum's system using the error notification mechanism of Donaldson).* The same motivation and reason to combine utilized in the rejection of claim 1 is also valid for this claim. By this rationale, claim 22 is rejected.

Conclusion

2. ***This action is made Non-Final.*** Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

/Jude J Jean-Gilles/

Primary Examiner, Art Unit 2143

JJG

July 20, 2008